

1 I think it was 1990. I'll accept a stipulation if Mr. Topel
2 -- I can find it, but I think that's when the decision was
3 made.

4 MR. TOPEL: I'm not sure which decision you're
5 talking about.

6 MR. SHOOK: Well, there was a first decision made in
7 1989.

8 MR. TOPEL: '87 or -- yeah --

9 MR. COHEN: Your point is well taken.

10 MR. TOPEL: It's unclear exactly when it was sold.

11 MR. COHEN: Your point, your point is well taken.

12 When was Odessa sold? When was the agreement to sell Odessa?

13 MR. CURDY: I don't believe that's in evidence.

14 MR. COHEN: Can we go off the record, Your Honor? I
15 need to find this.

16 JUDGE CHACHKIN: Yes, we'll go off the record.

17 MR. COHEN: I'm sorry, Your Honor.

18 (Off the record.)

19 MR. COHEN: Thank you, Your Honor.

20 MR. TOPEL: What are we looking for?

21 MR. COHEN: We're looking at Bureau Exhibit 348.

22 MR. TOPEL: That's in Volume 6.

23 DR. CROUCH: I'm there, sir.

24 BY MR. COHEN:

25 Q Okay. Now, as of the date that this -- of this

1 special meeting, had -- to your knowledge you learned the --
2 we're now talking about 1991. Did you know the demographics
3 of the minority population served by the Odessa station?

4 A No, sir.

5 Q Did you know the extent of cable penetration among
6 the minorities in the coverage area of the station?

7 A As I said earlier, I discovered to my
8 dissatisfaction that the cable penetration was very high.

9 Q I'm talking about the cable penetration among low
10 income families, the minorities?

11 A No, sir, I did not study the difference between low
12 income and high income.

13 Q As of the time that the station was -- the meeting
14 took place in 1991, had NMTV undertaken any study of the, of
15 the needs of the minority population for local programming?

16 A Not to my knowledge.

17 Q I want to turn to another area if we could.
18 Regarding -- do you -- you recall there came a time that the
19 construction permit for the suburb of Houston became a matter
20 of controversy between you and Mrs. Duff?

21 A I do, sir.

22 Q And so the record is clear, tell me why you didn't
23 wish to sell the construction permit?

24 A I, I felt that, that that station would enhance the
25 Trinity Broadcasting Network which included, of course,

1 National Minority T.V. and many other affiliates. As you
2 know, the non-commercial stations are required under rules of
3 the Commission to conduct their own separate fund-raising
4 telethons. This station, if built, I perceived as being able
5 to be of advantage to NMTV and Trinity Broadcasting because
6 the telethons of the major network could, indeed, under the
7 rules of the Commission be carried on this station. So it was
8 for that primary reason that I really desired that that
9 station be constructed and operated.

10 Q Because the Trinity programming then would have been
11 available?

12 A All of the Trinity Network programming would have
13 been available on it.

14 Q Which certainly would have been in the best
15 interests of Trinity?

16 A And National Minority.

17 Q And it would have been in National Minority's best
18 interest for what reason?

19 A Because it would have received its fair share of the
20 identified zip code remuneration.

21 Q Thank you. Now, isn't it true that you did not put
22 the sale of the Houston permit up to David Espinoza for his
23 consideration?

24 A I did not.

25 Q And isn't it true that you don't know if the sale of

1 the Houston permit was put up to -- or was put to David
2 Espinoza by Mrs. Duff?

3 A I'm not sure of that.

4 Q And isn't it true that you can recall no instance of
5 disagreement between you and the other directors of NMTV other
6 than the sale of the Odessa station and the Houston CP?

7 A It seems like there was one other area that I did
8 not get my way on, but those are certainly two incidents.

9 Q I want to ask you about the purchase -- turning to
10 another matter, the purchase of the Portland station. Did you
11 give any information to Pastor Aguilar on the proposed
12 coverage of the station?

13 A Not to my knowledge.

14 Q Did NMTV make any investigation of the extent of
15 minority population within the service contour of the Portland
16 station before it signed a contract to purchase the
17 construction permit?

18 A Not to my knowledge.

19 Q Isn't it true that the minority population within
20 the Grade B contour of the Portland station was of secondary
21 concern to you?

22 A Well, it certainly wasn't the primary concern. That
23 is correct.

24 MR. COHEN: Your Honor, I'm going to another area.
25 Are you going to take a recess this afternoon?

1 JUDGE CHACHKIN: At 3:00.

2 MR. COHEN: At 3:00.

3 BY MR. COHEN:

4 Q Now, for purposes of these questions, Dr. Crouch,
5 I'd be appreciative if you would have before you Bureau
6 Exhibit 289.

7 MR. TOPEL: Volume 5.

8 JUDGE CHACHKIN: What other exhibit?

9 MR. COHEN: Bureau Exhibit 289.

10 BY MR. COHEN:

11 Q And what I want you to do is please look at page 4
12 of that exhibit. I'm not going to be asking you about the
13 page, but I want you to notice that the engineering portion of
14 that Form 402 was submitted by W. Ben Miller as Technical
15 Consultant for NMTV. Do you see that?

16 A Yes, sir.

17 Q Now, I'd like you to look at Exhibit 149, Bureau
18 149.

19 JUDGE CHACHKIN: Can't you read in the record for
20 what purpose without looking at exhibit? We could assume --
21 if it's just going to be a simple item, why don't you just
22 read it in the record?

23 MR. COHEN: Very good, Your Honor. This is really
24 just a foundation for the question.

25 JUDGE CHACHKIN: That's what I mean.

1 MR. COHEN: I understand. Your point is well taken.

2 BY MR. COHEN:

3 Q And you'll notice that on page 9 of that application
4 Mr. Miller checked the box Consulting Engineer.

5 A I'll accept your word on that.

6 JUDGE CHACHKIN: Counsel has a copy. I'm sure he'll
7 correct --

8 MR. COHEN: I would never mislead you.

9 JUDGE CHACHKIN: -- Mr. Cohen if he's wrong.

10 BY MR. COHEN:

11 Q Now, what I -- so I've now focused you on, on two
12 different applications.

13 A Yes, sir.

14 Q One was in 1989 and the second one was in 1987.
15 Now, there is in evidence in this proceeding, and I can show
16 this to you, that there came a time on March 30, 1992 that the
17 Commission wrote a letter to NMTV which you are, I'm sure,
18 aware of or you were aware of, and I can show it to you if
19 that will help your memory.

20 Q I probably should look at that, sir.

21 A I think you should.

22 JUDGE CHACHKIN: The letter's in evidence, isn't it?

23 MR. COHEN: Yes, it is. I'm just trying to find it.
24 Maybe you could help me. My filing system leaves something to
25 be desired.

1 JUDGE CHACHKIN: You're talking about 219.

2 MR. COHEN: Yes. Do you have it handy, Your Honor?

3 JUDGE CHACHKIN: I'm looking for it.

4 MR. SHOOK: Dr. Crouch, that's a Glendale Exhibit,
5 not a Bureau exhibit.

6 MR. COHEN: Can anybody help me? I'm having trouble
7 putting my fingers on it.

8 JUDGE CHACHKIN: Mr. Shook has a copy.

9 BY MR. COHEN:

10 Q I'm not going to be asking any questions about this,
11 Dr. Crouch, but I just -- this is a reference point. I'm sure
12 you've seen that letter. As I say, I'm not going to query you
13 about it, but --

14 A I'm generally aware of the Request for Declaratory
15 Ruling, sir, yes, sir.

16 Q Yes. And that's not the Request for Declaratory
17 Ruling. That's a letter from the Commission on March 30, 1992
18 asking NMTV and Trinity to supply information.

19 A Yes, sir.

20 Q So my question, sir, is having in mind the two
21 applications I showed you wherein -- where the reference was
22 made to Mr. Miller as a Technical Consultant in 1989, a
23 Consulting Engineer in 1987, did NMTV prior to responding to
24 the letter you have in front of you ever report to the
25 Commission that Mr. Miller supervised the construction of the

1 Odessa and Portland stations anytime prior to March 30, 1992?

2 A I would not be aware of any such communication, sir.

3 Q And did NMTV ever report to the Commission prior to
4 the Commission's letter of March 30, 1992 that TBN employees
5 under Mr. Miller's supervision provided transmitter site
6 acquisition service?

7 A I'm not aware of any such communication.

8 Q And prior to the Commission's letter dated March 30,
9 1992, did NMTV ever report to the Commission that TBN
10 employees under the supervision of Mr. Miller handle the
11 purchasing of equipment and supplies for NMTV?

12 A I'm not aware of any such communication.

13 Q Or that TBN donated equipment and supplies to NMTV?

14 A I am unaware of any such communication.

15 Q Prior to the Commission's letter dated March 30,
16 1992, did NMTV ever report to the Commission that TBN provided
17 payroll services and accounting services and bookkeeping
18 services for NMTV? Strike that. That question is poorly
19 phrased. Prior to March --to the Commission's March 30, 1992
20 letter did NMTV ever report to the Commission that TBN
21 provided for NMTV payroll services, accounting -- accounts
22 payable services and bookkeeping services?

23 A We never perceived that there was any such
24 requirement to do so, so I am unaware of any, sir.

25 Q And prior to the Commission's letter of March 30,

1 1992 had NMTV reported to the Commission that it had entered
2 into an Agreement to Provide Business Services with TBN?

3 A Again, since we were unaware of any such requirement
4 to do so, I am unaware of any such report.

5 Q And prior to the -- receipt of the Commission's
6 March 30, 1992 letter did NMTV ever report to the Commission
7 that it had utilized the services of Planck Construction
8 Company and Media Services Agency?

9 A I'm unaware of any such communication.

10 Q And prior to the March 30, 1992 letter from the
11 Commission had NMTV ever reported to the Commission that it
12 utilized the services of Mr. Juggert as an attorney for NMTV?

13 A I'm unaware of any such report.

14 Q And prior to the Commission's March 30, 1992 letter
15 had NMTV ever advised the Commission that its tax returns were
16 prepared by the same accountants who prepared Trinity's
17 returns?

18 A I'm unaware of any such report.

19 Q And prior to the Commission's March 30, 1992 letter
20 had NMTV ever advised the Commission that it had entered into
21 an action by a written consent on January 26, 1987 whereby TBN
22 provided accounting services for NMTV?

23 A I'm unaware of any such report.

24 Q Thank you.

25 JUDGE CHACKIN: We'll take a ten minute recess.

1 (Whereupon, a brief recess was taken from 3:00 p.m.
2 until 3:10 p.m.)

3 JUDGE CHACHKIN: Back on the record. Mr. Cohen?

4 MR. COHEN: Thank you, Your Honor.

5 BY MR. COHEN:

6 Q Dr. Crouch, I wonder if I could ask you to look at
7 Bureau Exhibit 376 and I'm going to be asking you a few
8 questions about the contents of that letter, so please take a
9 moment and read it.

10 MR. TOPEL: It's Volume 6.

11 DR. CROUCH: Yes. I'm there, sir.

12 BY MR. COHEN:

13 Q That's the letter from Mr. Dunne to you?

14 A Yes.

15 Q Would you please read it to yourself. It's in
16 evidence. And tell me when you've read it.

17 A All right, sir. I've generally read the letter.

18 Q Now, I want to focus you on the next to the last
19 paragraph which states, "I also think," and I'm now reading
20 Mr. Dunne's words, "I also think an additional minority Board
21 member would help solidify NMTV's bona fides when NMTV applies
22 for its declaratory ruling, assuming that is how you want to
23 proceed." Now, am I correct that you and Mr. Dunne or you and
24 Mr. May or you and both of them had talked about the
25 possibility of NMTV filing a Request for Declaratory Ruling

1 prior to October 1, 1991?

2 A I believe that Mr. May discussed that and brought
3 that to my attention, yes, sir.

4 Q And was that done in a phone conversation, a
5 personal meeting or a letter?

6 A The best I can recall that was probably done over
7 the telephone.

8 Q And was that, was that matter discussed in -- on
9 more than one occasion?

10 A May have been. I'm not, I'm not sure.

11 Q Do you have a recollection of several conversations
12 with them?

13 A No.

14 Q Do you have a recollection of more than one, though?

15 A I'm just not sure.

16 Q Do you have a recollection of talking to Mr. May
17 just the two of you or other persons participating in the
18 call?

19 A I, I really couldn't say that for certain.

20 Q But you do have a recollection of talking to Mr. May
21 about the possibility of filing a Request for Declaratory
22 Ruling prior to October 1?

23 A Yes, sir.

24 Q And can you give me your best recollection of the
25 substance of the conversation?

1 A Well, as I -- the best I can recall it was, it was
2 Mr. May's hope and certainly ours that by answering all the
3 questions that the Commission had asked and requesting this
4 declaratory ruling that that would be sufficient to put to
5 rest the issues that had been raised.

6 Q Am I correct, and I want to get your understanding,
7 am I correct that you understood from talking with Mr. May
8 that the -- well, let me approach this a different way. Did
9 you and Mr. May reach a conclusion that such a Request for
10 Declaratory Ruling should be filed?

11 A I believe we did.

12 Q And in point of fact such a document was filed?

13 A It was.

14 Q And on behalf of NMTV were you the person that Mr.
15 May consulted with concerning whether or not such a document
16 would be filed?

17 A I'm not at all sure I was the only one. I believe
18 Mrs. Duff was brought into that in some manner.

19 Q Was Reverend Aguilar brought into that?

20 A I believe he was.

21 Q And is this based upon personal knowledge you have
22 or is this based upon what someone else told you?

23 A It's not based upon personal knowledge.

24 Q Now, I want to talk -- to ask you a few questions
25 about your conversations with Mr. May. Strike that. Strike

1 that. Regarding the Request for Declaratory Ruling, did you
2 have an understanding from your conversation, either single or
3 plural, with Mr. May as to what the, the contents of that
4 document would look like?

5 A I don't remember any carefully spelled out or
6 delineated contents being expressed to me.

7 Q Did you have an understanding as to what the
8 substance of the document would state to the Commission?

9 A As I stated earlier and overall since, we believed
10 and hoped that it would answer the Commission's questions and
11 issues raised in this matter.

12 Q Now, the Commission -- if I'm in error now, you
13 don't agree with this, but my understanding is the Commission
14 had raised questions concerning NMTV's management and method
15 of operation. Am I correct?

16 A It was quite a list of questions that the Commission
17 asked answers to and I can't tell you unless I would peruse
18 that document as to what those questions were.

19 Q Well, perhaps you should look at the Request for
20 Declaratory Ruling which is in evidence as Glendale Exhibit
21 216.

22 MR. COHEN: Could you make that available to the
23 witness?

24 BY MR. COHEN:

25 Q Dr. Crouch, this document doesn't have a date on it,

1 but you can accept as a fact that it was filed with the
2 Commission on November 18, 1991.

3 A I see that.

4 Q Oh, okay. Your copy and -- my copy didn't have it.

5 MR. TOPEL: The witness has a copy that's not
6 exactly the one -- the same document, but it doesn't have --

7 BY MR. COHEN:

8 Q Which -- of course, it's obvious that that is about
9 six weeks after the October 1 letter that I focused you on?

10 A Um-hum.

11 Q So this is the Request for Declaratory Ruling that
12 was filed. Now, this is a document, I take it, that you're --
13 I don't mean that you drafted it, but you're familiar with
14 this document then?

15 A I am generally aware of it. I am not familiar with
16 it.

17 Q And am I correct that, that this was sent to you
18 before it was filed and you had a chance to look it over?

19 A It may have been, but I am not 100 percent sure of
20 that. I believe it was.

21 Q But, in any event, you read it either before or
22 after it was filed for sure? Is that correct?

23 A I certainly scanned it. I can't tell you if I read
24 it carefully word for word. I may have.

25 Q Well, this was an important document on -- in NMTV's

1 | behalf, was it not?

2 | A It is, but I'm not a lawyer, sir, and there's so
3 | much of this that's legal. It might not have been all that
4 | productive for me to read it too carefully.

5 | Q But you do recall reading it?

6 | A I believe I do.

7 | Q Do you recall reading it before it was filed?

8 | A No, sir.

9 | Q Do you recall reading it after it was filed?

10 | A I may have.

11 | Q Now, I want to focus you, if I can, on Section B of
12 | that document which begins on page 6 and it continues through
13 | 8. That's three pages.

14 | A Um-hum.

15 | Q Okay. And take a moment and read paragraphs 8, 9,
16 | 10, 11 and 12 and 13 to yourself and tell me when you've read
17 | it.

18 | A Okay. Yes, sir, I have read it.

19 | Q Thank you. Now, pointing with particular --
20 | pointing you particularly to paragraph 9, in terms of the
21 | caption of this document, "NMTV's Management and Method of
22 | Operation," paragraph 9 deals with Reverend Aguilar and my
23 | question is did you believe when you read paragraph 9 that
24 | that paragraph completely -- that it described completely
25 | Reverend Aguilar's role in NMTV's management and method of

1 operation?

2 A Yes, sir.

3 Q You were satisfied then that that was a complete
4 description of his role?

5 A Complete enough.

6 Q Complete enough?

7 A Um-hum.

8 Q What do you mean by complete enough?

9 A Complete enough to describe the activity that
10 Reverend Aguilar participated in the business of NMTV.

11 Q Did you believe that paragraph 9 omitted any
12 important information regarding Reverend Aguilar's role in
13 NMTV's management and method of operation?

14 A No, sir.

15 Q Now, as of April 18, 1991 when this document was
16 filed weren't you aware --

17 MR. TOPEL: I object. That's the wrong date.

18 MR. COHEN: Was it November 18?

19 DR. CROUCH: Yes.

20 MR. TOPEL: You said April.

21 MR. COHEN: Did I say April? Then I stand
22 corrected. Thank you for the help.

23 BY MR. COHEN:

24 Q Is it your testimony that you were not aware in
25 November, excuse me, in April of 1991 --

1 MR. TOPEL: Objection. It should be November, Mr.
2 Cohen. If you're tying it to this document, the document is
3 November 1991.

4 MR. COHEN: I'm sorry. Your point is well taken.
5 I'm fixated on April and I'll -- I stand corrected.

6 BY MR. COHEN:

7 Q And I'm sorry if I've confused you. Let me start
8 again. Weren't you aware in November of 1991 that important
9 information regarding Pastor Aguilar's performance as a
10 director was omitted from paragraph 9?

11 A What important information?

12 Q Well, for example, that Pastor Aguilar had refused
13 to cooperate as set forth in Mr. Dunne's letter to you dated
14 October 1, 1991 which recites how Pastor Aguilar had refused
15 to cooperate in the preparation of a response to a Commission
16 inquiry. Do you believe that to be a significant matter
17 dealing with his performance?

18 A I only learned of that problem upon receipt of Mr.
19 Dunne's letter of October 1, 1991. I was a little taken aback
20 and mystified at their inability to receive from Reverend
21 Aguilar the information they needed. I do know that he is a
22 very busy pastor. He travels extensively. And I was sorry
23 about the, the problem that Mr. Dunne and Mr. May were having
24 in getting this information, but I was not involved in it, nor
25 did I know of it until Mr. Dunne's letter of October 1, 1991.

1 Q I understand that. And now I want to bring you
2 forward to November of 1991 when the Request for Declaratory
3 Ruling was filed and then you knew what Mr. Dunne had told you
4 in the October 1 letter, and my question is didn't it concern
5 you as an officer, as an -- and a director of NMTV that
6 paragraph 9 was incomplete in that it did not describe
7 completely Pastor Aguilar's role in the management and
8 operation of NMTV?

9 A Well, sir, as I look at this even now, I fail to see
10 what his unwillingness or inability to give the information
11 required by Mr. Dunne here has to do with his role and
12 responsibilities as a director. That's another whole matter,
13 if you want my opinion.

14 Q You think they're unrelated?

15 A It seems to me they are.

16 Q And the fact that NMTV had to hire a private
17 investigator to obtain facts about Reverend Aguilar's criminal
18 record so that that information could be reported to the FCC,
19 did you believe that that was a matter which reflected on
20 Pastor Aguilar's performance as a director?

21 A That is an unfortunate situation and one that I
22 regret. However, I might just observe here that this could be
23 construed as a classic example of Trinity Broadcasting
24 integrating minorities who were totally neophytes in the
25 broadcasting field and world into the broadcasting arena and

1 | this we, of course, were attempting to do. Reverend Aguilar
2 | was totally unaware, I'm sure, of the consequences of his past
3 | record. The fact that this was not filed timely with the
4 | Commission was another error that I was unaware of, but -- and
5 | deeply regret, but at the same time I think people like
6 | Reverend Aguilar who have been rehabilitated from very
7 | unfortunate situations in their past lives into the
8 | broadcasting field is a very important facet that we were
9 | focusing on and attempting to do through NMTV.

10 | Q And it's your testimony, I take it then, that in
11 | terms of setting forth Reverend Aguilar's role in NMTV's
12 | management and method of operation it wasn't necessary to
13 | mention or explain to the Commission that he had refused to
14 | cooperate in connection with gathering data to respond to the
15 | Commission?

16 | A I lost your train of thought, Mr. Cohen. I'm sorry.

17 | Q Too long a question. Your point is well taken. You
18 | are aware that NMTV had to hire a private investigator to
19 | obtain facts about Reverend Aguilar's criminal record so that
20 | that information could be reported to the FCC?

21 | A I learned that after the fact.

22 | Q You learned that in October of 1991?

23 | A Yes.

24 | Q Now comes November of 1991 and NMTV in paragraph 9
25 | of its Request for Declaratory Ruling is setting forth how

1 Reverend Aguilar participated in NMTV's management and method
2 of operation, and my question is do you believe that the
3 information concerning Reverend Aguilar's failure to cooperate
4 with NMTV should have been mentioned in the Request for
5 Declaratory Ruling?

6 A That fact probably should have been reported, Mr.
7 Cohen, but I still fail to see where it should have been
8 reported here in Item 9 on page 7. I see that as being
9 totally unrelated to his day to day or meeting to meeting
10 business transactions with NMTV.

11 Q You think that his actions don't relate to his
12 performance as a director?

13 A No.

14 Q And those actions didn't relate to how he carried
15 out his, his duties as a director?

16 A No, sir. This had to do with his past, a very
17 unfortunate past from which he has proven himself to be
18 totally rehabilitated so yes, it should have been reported.
19 Apparently it was not in a, in a proper or timely manner but,
20 again, I can't see it connected to Item 9 here in any way.

21 Q Now, in November of 1991 you were aware that
22 Reverend Aguilar had refused to speak to Jane Duff directly on
23 the telephone, weren't you?

24 A I don't believe I'm aware of any such thing.

25 Q That was never reported to you?

1 A I don't recall any such incident.

2 Q You're not aware that Jane Duff was -- on more than
3 one occasion was not able to speak to Pastor Aguilar directly
4 and that he insisted that she talk to him through his
5 secretary?

6 A I, I may remember now that you refresh my memory an
7 incident where I believe Mrs. Duff reported that she
8 understood Reverend Aguilar was in the room but was, for
9 whatever reason, unable to speak directly on the phone, but
10 was speaking through his, his assistant.

11 Q Now that your recollection's refreshed, didn't Mrs.
12 Duff tell you that Pastor Aguilar on more than one occasion
13 refused to speak to her directly on the telephone?

14 A No, I don't recall her saying he outright refused to
15 speak to her.

16 Q You don't recall that?

17 A I don't, I don't -- I may have forgotten, but I --
18 no, I don't recall that right now.

19 Q Now, didn't you have personal knowledge of how
20 Reverend Aguilar had carried out his duties as an NMTV
21 director?

22 A Personal knowledge meaning what, sir? I --

23 Q Meaning you knew how he had carried out his duties
24 because of your relationship with him as a director?

25 A I knew he had attended Board meetings. I knew that

1 he and Mrs. Duff spoke from time to time. I knew that he had
2 given input. I knew that he had provided programming. Yes, I
3 knew some of the things.

4 Q Did you know how many Board meeting he had missed as
5 of November 1981 -- excuse me, 1991?

6 A No, sir, I don't. I would have no independent
7 recollection of that or knowledge of that.

8 Q So it's your testimony then that you believe that as
9 of November 1991 that Reverend Aguilar was satisfactorily
10 performing his duties as a director of NMTV? Is that your
11 testimony?

12 A I believe that NMTV was moving forward in good faith
13 to integrate Reverend Aguilar into ownership and that --

14 Q That's not my question. My question is is it your
15 testimony that in November of 1981 -- 1991 that you believed
16 that Reverend Aguilar was performing his duties adequately as
17 a director of NMTV?

18 A That again, sir, is a subjective question.

19 Q Subjective. I want your opinion.

20 A I believe he was.

21 JUDGE CHACHKIN: What do you mean when you say
22 integrated to ownership? I've never quite heard that
23 expression before. What does that mean?

24 DR. CROUCH: Your Honor, it's my understanding that
25 in a non-profit context that the directors are equivalent to

1 owners.

2 JUDGE CHACHKIN: Yes. I understand that, but what
3 do you mean by integrated to ownership?

4 DR. CROUCH: When we invited Reverend Aguilar to be
5 a member of the Board of NMTV, Your Honor, I simply viewed
6 that as integrating him into becoming an owner.

7 JUDGE CHACHKIN: He became a owner when he became a
8 director? Isn't that right?

9 DR. CROUCH: Yes, sir.

10 JUDGE CHACHKIN: But doesn't the integration concept
11 have to do with management of a station, not the ownership?
12 When the Commissions talks about integration doesn't the
13 Commission talk about day to day responsibilities?

14 DR. CROUCH: I think integration in this context,
15 sir, has maybe two different meanings. Integration --

16 JUDGE CHACHKIN: What is your meaning of it?

17 DR. CROUCH: Well, there's integration into
18 management and day to day integration and then there's
19 integration into ownership.

20 JUDGE CHACHKIN: Well, I've never heard the
21 expression integration into ownership. The only one I've ever
22 heard and as far as I know the only one the FCC has ever used
23 is integration into management. You can become an owner, but
24 that doesn't integrate you into anything. You're just an
25 owner. But I'm -- how do you become integrated into

1 ownership? You become an owner, but the word integration
2 means more than that. It's always meant -- the Commission has
3 always meant it to mean day to day involvement.

4 DR. CROUCH: Well, sir, maybe I should have not used
5 the word integration. Maybe I should have said an invitation
6 into ownership.

7 JUDGE CHACHKIN: All right. Well, that's different
8 than integration because you're confusing expressions. The
9 Commission when they talk about ownership talks about day to
10 day management, involvement.

11 DR. CROUCH: Okay. Well, I apologize if I've
12 confused you, but my intention was to simply state for the
13 record that we were bringing Mr. Aguilar, a minority
14 gentleman, into ownership and that was our purpose. That was
15 what we understood the Commission policy to be and that we
16 believed we were fulfilling.

17 JUDGE CHACHKIN: What Commission policy has to do
18 with non-profit -- making a director -- someone a director of
19 a non-profit corporation insofar as ownership is concerned?
20 What Commission policy do you have reference to?

21 DR. CROUCH: The policy to bring minority people
22 into ownership of television stations.

23 JUDGE CHACHKIN: Of non-profit stations? Not
24 commercial stations? Not profit making? We're talking about
25 non-profit stations and it's your view that that's a

1 Commission policy to make people directors of non-profit
2 corporations? Is that --

3 DR. CROUCH: I do not believe the Commission policy
4 distinguishes an owner in a profit corporation from a non-
5 profit. I believe there's information in, in Agency
6 documentation that the directors of a non-profit corporation
7 are equivalent to owners. So in that sense, in my mind, sir,
8 I don't distinguish the difference between bringing a person
9 into a for profit organization and giving him a percentage of
10 the shares of the corporation or making him a director in the
11 non-profit concept. In my mind they were synonymous, sir.

12 JUDGE CHACHKIN: Go ahead, Mr. Cohen.

13 BY MR. COHEN:

14 Q Dr. Crouch, in terms of your assessment of Reverend
15 Aguilar's performance as a director, I'm now talking about in
16 November of 1991, you were, of course, aware that Joe Dunne
17 had told you on October 1, 1991 that Reverend Aguilar had only
18 attended two out of five Board meetings? Correct? That's in
19 the letter from Joe Dunne. Look at page 2, the first
20 paragraph.

21 A I don't believe that Mr. Dunne's letter is correct.

22 Q You -- Reverend Aguilar you believe had attended
23 more meetings than Mr. Dunne suggested?

24 A It was certainly my perception that he had.

25 Q And how many meetings did you believe as of November